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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,916	09/23/2003	Eric Groth	N0166US	2527

37583 7590 09/20/2005

NAVIGATION TECHNOLOGIES  
222 MERCHANDISE MART  
SUITE 900, PATENT DEPT.  
CHICAGO, IL 60654

EXAMINER
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TRAN, DALENA

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/668,916	<b>Applicant(s)</b> GROTH ET AL.	
	<b>Examiner</b> Dalena Tran	<b>Art Unit</b> 3661	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-22 is/are allowed.
- 6) ☒ Claim(s) 1-18 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/23/03, 8/20/04, 10/8/04</u>   | 6) <input type="checkbox"/> Other: _____                                    |



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20050915

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

## **DETAILED ACTION**

### **Notice to Applicant(s)**

1. This application has been examined. Claims 1-23 are pending.

The prior art submitted on 9/23/03, 8/20/04, and 10/8/04 have been considered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 23, is rejected under 35 U.S.C.102(b) as being anticipated by Yoshida (5,699,056).

As per claim 23, Yoshida discloses a method of developing traffic messages comprising: obtaining data indicating traffic flow at a plurality of locations on a road network (see columns 1-2, lines 64-48); and aggregating locations along the road network having related traffic flow into at least one congestion event along said road, wherein aggregated locations are adjacent on road network and aggregated locations have corresponding traffic flow within a predetermined threshold (see columns 17-19, lines 58-5).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9, and 12-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapidot et al. (6,490,519) in view of Yoshida (5,699,056).

As per claim 1, Lapidot et al. disclose a method for developing traffic messages comprising: obtaining data indicating traffic speed at a plurality of locations on a road network, each of locations assigned a unique location reference code (see columns 3-4, lines 25-21); and evaluating the data indicating traffic speed for location reference codes assigned to locations along a road of said road network (see column 12, lines 25-67; columns 15-16, lines 43-54; columns 17-18, lines 47-40; and columns 20-21, lines 38-30). Lapidot et al. do not disclose grouping location reference codes along road having related traffic speeds into at least one congestion event along road. However, Yoshida discloses grouping location reference codes along road having related traffic speeds into at least one congestion event along road (see columns 17-19, lines 58-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Lapidot et al. by combining grouping location reference codes along road having related traffic speeds into at least one congestion event along road for determining different level of traffic congest and transmit to a user, so the user can make a decision to which route to take to travel.

As per claim 2, Lapidot et al. disclose assigned location reference codes grouped into congestion event are contiguous along road (see columns 3-4, lines 25-21).

As per claim 3, Lapidot et al. do not disclose locations grouped into congestion event are located within a predetermined distance of another of locations within congestion event. However, Yoshida discloses locations grouped into congestion event

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are located within a predetermined distance of another of locations within congestion event (see columns 4-5, lines 65-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Lapidot et al. by combining locations grouped into congestion event are located within a predetermined distance of another of locations within congestion event enable to predict overall picture of traffic congestion along a road.

As per claim 4, Lapidot et al. disclose congestion event comprises a beginning location reference code at which related traffic speed begins along road and a number of following location reference codes having related traffic speeds (see columns 18-19, lines 41-36).

As per claim 5, Lapidot et al. do not disclose congestion event comprises a direction. However, Yoshida discloses congestion event comprises a direction (see columns 1-2, lines 64-48; and columns 3-4, lines 56-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Lapidot et al. by combining congestion event comprises a direction to judge exactly location of the traffic jam along the road.

As per claim 6, Lapidot et al. discloses congestion event comprises a beginning location reference code at which related traffic speed begins along road and an end location reference code at which related traffic speed ends on road (see columns 11-12, lines 65-25).

As per claim 7, Lapidot et al. discloses congestion event comprises a congestion speed value representative of the related traffic speeds of the grouped location reference codes (see columns 3-4, lines 25-21).

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As per claim 8, Lapidot et al. discloses congestion event comprises an average speed of the grouped location reference codes (see column 6, lines 47-62).

As per claim 9, Lapidot et al. do not disclose congestion event comprises a congestion event code representing a level of congestion corresponding to related traffic speed. However, Yoshida discloses congestion event comprises a congestion event code representing a level of congestion corresponding to related traffic speed (see columns 19-20, lines 60-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Lapidot et al. by combining congestion event comprises a congestion event code representing a level of congestion corresponding to related traffic speed for accurately grouping the congestion event of traffic information.

As per claim 12, Lapidot et al. discloses transmitting congestion event as a traffic message (see columns 14-15, lines 66-42).

As per claim 13, Lapidot et al. do not disclose determining a road distance associated with each of said congestion events. However, Yoshida discloses prior to transmitting congestion events, determining a road distance associated with each of congestion events, road distance for each congestion event being a distance from a beginning location reference code at which related traffic speed begins along road to a end location reference code at which related traffic speed ends on road (see columns 26-27, lines 38-41); and congestion events having longer road distances being transmitted before congestion events having shorter road distances (see column 27, lines 42-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Lapidot et al. by combining determining a road distance

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associated with each of said congestion events enable the user to predict how long the congestion or delay can be, therefore to prepare an alternate plan to travel.

As per claim 14, Lapidot et al. discloses a method for developing traffic messages comprising: using a plurality of location reference codes assigned to a plurality of locations along a road, and obtaining data indicating traffic speed at locations represented by location reference codes (see columns 3-4, lines 25-21). Lapidot et al. do not disclose aggregating location reference codes having traffic speeds within a predetermined range of traffic speeds. However, Yoshida discloses aggregating location reference codes having traffic speeds within a predetermined range of traffic speeds, wherein aggregated location reference codes representing contiguous locations along road (see columns 9-10, lines 56-37; columns 15-16, lines 51-19; and columns 17-19, lines 58-5); and creating a traffic message from aggregated location reference codes (see the abstract; column 19, lines 6-23; and column 40, lines 14-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Lapidot et al. by combining aggregating location reference codes having traffic speeds within a predetermined range of traffic speeds for easily determine each section of congestion event along a road.

As per claim 15, Lapidot et al. discloses congestion event comprises a beginning location reference code at which traffic speeds within predetermined range begins along road and a number of following location reference codes having traffic speeds within predetermined range (see columns 18-19, lines 41-36).

As per claim 16, Lapidot et al. discloses congestion event comprises a beginning location reference code at which traffic speeds within predetermined range begins along



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road and a end location reference code at which traffic speed within predetermined range ends on road (see columns 11-12, lines 65-25).

As per claim 17, Lapidot et al. discloses congestion event comprises a congestion speed value representative of speeds of the aggregated location reference codes (see columns 3-4, lines 25-21).

As per claim 18, Lapidot et al. do not discloses congestion event comprises a congestion event code representing a congestion level corresponding to predetermined range of traffic speeds. However, Yoshida discloses congestion event comprises a congestion event code representing a level of congestion corresponding to related traffic speed (see columns 19-20, lines 60-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Lapidot et al. by combining congestion event comprises a congestion event code representing a level of congestion corresponding to related traffic speed for accurately grouping the congestion event of traffic information.

6. Claims 10-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapidot et al. (6,490,519), and Yoshida (5,699,056) as applied to claim 1 above, and further in view of Morita et al. (US 2002/0152115 A1).

As per claims 10-11, Lapidot et al., and Yoshida do not discloses obtaining data indicating an expected duration of traffic speed. However, Morita et al. disclose obtaining data indicating an expected duration of traffic speed at plurality of locations, and duration indicating when related traffic speed is expected to change (see [0032]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Lapidot et al., and Yoshida by combining obtaining data

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indicating an expected duration of traffic speed for estimating the time delay of traffic events, therefore planning an alternative route.

7. Claims 19-22 are allowable.

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

. Gurmu et al. (5,126,941)

. Mayo (5,133,081)

. Sumner (5,164,904)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-F 6:30 AM-4:00 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

Dalena Tran

A handwritten signature in black ink, appearing to read 'Dalena Tran', written over the printed name.

September 15, 2005